

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Application No.: 10/665337

Group Art Unit:

Filing Date: 9/18/2003

Attorney Docket No.: KN P 0125

First Named Inventor: Nash, John E.

Examiner:

Title: **SYSTEM AND METHOD OF USE FOR AGENT DELIVERY  
AND REVASCULARIZING OF GRAFTS AND VESSELS**

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

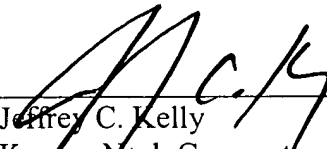
The present case is a Continuation of U.S. Patent Application Serial No. 10/121192, assigned to Kensey Nash Corporation. The undersigned, an authorized representative of assignee Kensey Nash Corporation, respectfully submits that the attached Statement Under 37 C.F.R. 3.73(b), along with a copy of the Assignment from the parent case, duly establishes the right of the assignee to take action in this case.

Should the USPTO have any questions or comments regarding this matter, the Office is invited to contact the undersigned.

Respectfully submitted,

Date: 2/19/04

By:

  
Jeffrey C. Kelly  
Kensey Nash Corporation  
55 East Uwchlan Avenue  
Exton, PA 19341  
(601) 594-4392  
Director of Legal Affairs



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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Kensley Nash CorporationApplication No./Patent No.: 10/665337 Filed/Issue Date: 9/18/2003Entitled: System and Method of Use for Agent Delivery and Revascularizing of Grafts and VesselsKensley Nash Corporation, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [☒] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached. \*This Assignment was filed in US Patent Application 10/121,192, of which the present application is a continuation.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

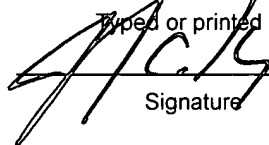
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2/19/04  
Date610-594-4392

Telephone number

Jeffrey C. Kelly

Typed or printed name

  
SignatureDirector of Legal Affairs

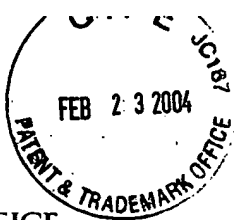
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CAESAR RIVISE, BERSTEIN  
COHEN & POROTILOV, LTD.

JUNE 14, 2002

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www.uspto.gov

CAESAR, RIVISE, BERSTEIN, ET AL.  
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12TH FLOOR - 7 PENN CENTER  
PHILA., PA 19103-2212



\*102062895A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/12/2002

REEL/FRAME: 012798/0949  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

NASH, JOHN E.

DOC DATE: 03/04/1999

ASSIGNOR:

FISHER, WILLIAM T.

DOC DATE: 03/04/1999

ASSIGNOR:

DODSON, CHARLES W., JR.

DOC DATE: 03/19/1999

ASSIGNEE:

KENSEY NASH CORPORATION  
55 E. UWCHLAN AVENUE, SUITE 204  
MARSH CREEK CORPORATE CENTER  
EXTON, PENNSYLVANIA 19341

SERIAL NUMBER: 10121192  
PATENT NUMBER:

FILING DATE: 04/12/2002  
ISSUE DATE:

012798/0949 PAGE 2

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

## ASSIGNMENT OF THE INVENTION

WHEREAS, We, JOHN E. NASH, WILLIAM T. FISHER and CHARLES W. DODSON, JR., residing at 1201 N. Chester Springs Road, Chester Springs, PA 19425, 9 Dieber Road, Schwenksville, PA 19473 and 166 Flintlock Road, King of Prussia, PA 19406, respectively, have made a certain new and useful invention in IMPROVED SYSTEM AND METHOD OF USE FOR REVASCULARIZING STENOTIC BYPASS GRAFTS AND OTHER OCCLUDED BLOOD VESSELS, and have executed an application for Letters Patent of the United States based thereon on January 19, 1999, and assigned Application Serial No. 09/233,712;

WHEREAS, I, JOHN E. NASH, am Executive Vice President of KENSEY NASH CORPORATION; and

WHEREAS, We, WILLIAM T. FISHER and CHARLES W. DODSON, JR. are employees of KENSEY NASH CORPORATION;

WHEREAS, KENSEY NASH CORPORATION, a corporation organized and existing under the laws of the State of Delaware and having an office and place of business at Marsh Creek Corporate Center, 55 E. Uwchlan Avenue, Suite 204, Exton, PA 19341, is desirous of acquiring the entire right, title and interest in and to the invention and all improvements thereon which may be made, conceived or acquired by us during the course of our association with KENSEY NASH CORPORATION, and for one year thereafter, in and throughout the United States, its territories and all countries foreign thereto, and in and to said application for Letters Patent and in and to any and all Letters Patent of the United States and all countries foreign thereto which have been granted or may be granted on said invention or any part thereof, or any improvements thereon.

NOW, THEREFORE, IN CONSIDERATION of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, We,

JOHN E. NASH, WILLIAM T. FISHER and CHARLES W. DODSON, JR., by these presents do sell, assign and transfer unto the said KENSEY NASH CORPORATION our entire right, title and interest in and throughout the United States, its territories and all countries foreign thereto, in and to said invention and any improvements thereon which may be made, conceived or acquired by us during the course of our association with the said KENSEY NASH CORPORATION and for one year thereafter, in and to said application for Letters Patent and any and all Letters Patents and extensions thereof of the United States and countries foreign thereto which have been or may be granted on said invention or any part thereof, or any improvements thereon or on said application, or any divisional, continuing, renewal, reissue, or other application and all international priority rights associated therewith, based in whole or in part thereon, or based upon said invention, or any improvements thereon;

TO BE HELD AND ENJOYED by the said KENSEY NASH CORPORATION and its legal representatives and assigns to the full ends of the terms for which said Letters Patent, or any of them, have been granted or may be granted, as fully and entirely as the same would have been held and enjoyed by us had no sale and assignment of said interest been made; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all Letters Patent which may be granted upon the said invention above referred to, or any of them, or upon said invention or any part thereof, or upon any improvements thereon which may be made, conceived or acquired by us during the course of our association with the said company and for one year thereafter, to KENSEY NASH CORPORATION, and we hereby agree for ourselves, our heirs, executors and administrators, to execute without further consideration, any further legal documents and any further assignments and any releases, reissues, renewals or other applications for Letters

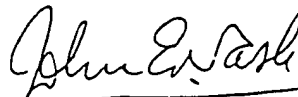
Patent that may be deemed necessary by the Assignee herein named, fully to secure to the said Assignee its interest as aforesaid in and to said invention or any part thereof or any improvements thereon, and in and to said several Letters Patent, or any of them.

We do hereby covenant for ourselves and our legal representatives, and agree with KENSEY NASH CORPORATION and its legal representatives, that we have granted no license to make or sell the said invention, that prior to the execution of this deed our right, title and interest in the said invention has not been encumbered, that we then had good right and title in and to the invention and that we have not executed and will not execute any instrument in conflict therewith.

I hereby authorize Alan H. Bernstein, Esq., or Stanley H. Cohen, Esq., or Manny D. Pokotilow, Esq., or Barry A. Stein, Esq., or Martin L. Faigus, Esq., or Eric S. Marzluf, Esq., or Robert S. Silver, Esq., or Scott M. Slomowitz, Esq., or Michael J. Berkowitz, Esq., or David M. Tener, Esq. or James J. Kozuch, Esq. to insert in the Certificate provided for that purpose the serial number and filing date of the application about to be filed.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this

4<sup>th</sup> day of March, 1999.



John E. Nash

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Chester

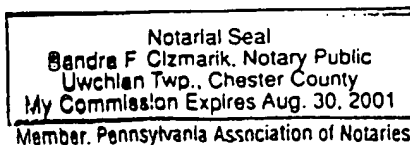
: SS

Before me personally appeared said John E. Nash and acknowledged the foregoing instrument to be his free act and deed this 4<sup>th</sup> day of March, 1999.

 (SEAL.)

Notary Public

My Commission expires:



IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this

4<sup>th</sup> day of March, 1999.

William T. Fisher  
William T. Fisher

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Chester : SS

Before me personally appeared said William T. Fisher and acknowledged the foregoing instrument to be his free act and deed this 4<sup>th</sup> day of March, 1999.

Sandra F. Gismarik (SEAL)  
Notary Public

My Commission expires:

Notarial Seal  
Sandra F. Gismarik, Notary Public  
Uwchlan Twp., Chester County  
My Commission Expires Aug. 30, 2001  
Member, Pennsylvania Association of Notaries



IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this

9<sup>th</sup> day of MARCH, 1999.



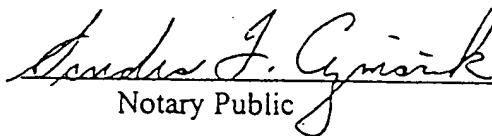
Charles W. Dodson, Jr.

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Chester

: SS  
:

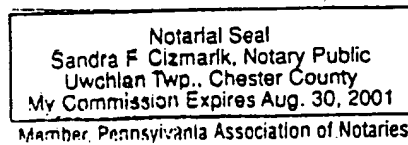
Before me personally appeared said Charles W. Dodson, Jr. and acknowledged the foregoing instrument to be his free act and deed this 9<sup>th</sup> day of March, 1999.



Notary Public

(SEAL)

My Commission expires:





PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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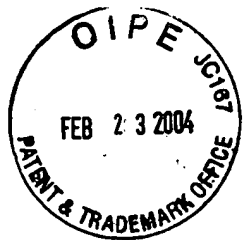
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/665,337	
	Filing Date	9/18/2003	
	First Named Inventor	Nash, John E.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	8	Attorney Docket Number	KN P 0125

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Statement under 37 CFR 3.73 (b); Establishing Right to Action
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Jeffrey C. Kelly Kensey Nash Corporation	
Signature		
Date	2/19/04	

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Trina Werkema
Signature	
Date	2-20-04

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/665,337                      Group Art Unit:  
Filing Date: September 18, 2003              Attorney Docket No.: KN P 0125  
First Named Inventor: Nash, John E.  
Title: System and Method of use for Agent Delivery and  
Revascularizing of Grafts and Vessels

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**Certificate of Mailing Under 37 CFR 1.8**

I hereby certify that the following correspondence is being deposited utilizing first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on February 20, 2004

Copy of Assignment

Statement Under 37 CFR 3.73(b)

Statement Establishing Right of Assignee to Take Action

Transmittal Form

Return Receipt Postcard

Signature

Trina Werkema

Typed or printed name of person signing Certificate